

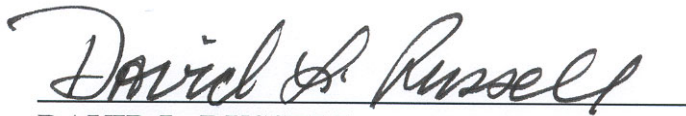
**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>BYSON DELONEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-22-576-R</b>
	)	
<b>CITY OF WARR ACRES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Before the Court is the Motion to Dismiss (Doc. No. 5) filed by Defendant Warr Acres Police Department. Plaintiff did not respond to the motion, nor did he seek an extension of time in which to respond. The basis of the motion is that the Warr Acres Police Department is not an entity subject to suit. As noted by the motion, under Oklahoma law the police department is not a legal entity separate from the City. *See* Okla. Stat. tit. 51 § 152; *Dutton v. City of Midwest City*, 630 F. App'x 742, 744 (10th Cir. 2015) (“As for the OCDC, it is not a person or legally created entity that can be sued under § 1983.”). Accordingly, all claims against the Warr Acres Police Department are hereby DISMISSED.

**IT IS SO ORDERED** this 11<sup>th</sup> day of August 2022.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**